

MEMORANDUM OF LAW

DATE: March 6, 1990

TO: Dave Spisak, Lieutenant, San Diego Police
Department

FROM: City Attorney

SUBJECT: Brown Act

Your memorandum of January 22, 1990, asked whether the First District Court of Appeal decision in *Farron v. City and County of San Francisco et al.*, 216 Cal. App. 3d 1071 (1989) affects the applicability of the "Brown Act (Cal Gov't Code section 54950 et seq., (Deering 1990)) to the San Diego Substance Abuse Commitment (SANDSAC) Committee.

Farron held that a San Francisco task force was not subject to the open meeting requirements of the Brown Act because it was not a legislative body within the meaning of California Government Code section 54952. The task force would have been subject to the Brown Act "if the board of supervisors had formed the Task Force at issue 'by charter, ordinance, resolution or by any similar form of action . . .'" Farron, 216 Cal. App. 3d at 1075, n.2.

SANDSAC is a "legislative body" created by resolution within the meaning of Government Code section 54952.3. As a "legislative body" SANDSAC must observe the requirements in Government Code section 54954.2 for posting of an agenda.

JOHN W. WITT, City Attorney

By

Joseph M. Battaglini
Deputy City Attorney

JMB:mk:520.1(x043.2)

ML-90-33